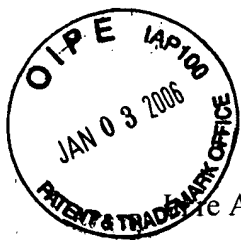


3738



Attorney Docket no: PHO-102

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:

Dees et al.

Serial No.: 09/130,213

Filed: August 6, 1998

For: Treatment of Pigmented Tissue Using Optical Energy

Examiner: Thomas C. Barrett

Art Unit: 3738

Confirm no. 5901

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents , P.O. Box 1450, Alexandria, VA 22313-1450 on

December 29, 2005
(Date of Deposit)

Shannon Wallace

Name of applicant, assignee, or Registered Rep.

Shannon Wallace 12/29/05
Signature Date

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1.97, Applicant hereby calls the Examiner's attention to documents listed on the attached form, which documents may be material to the examination of this application. In accordance with 37 CFR 1.98, a copy of each of the US patents is not enclosed.

Each of these references was cited in an Office Action dated December 13, 2005 in related application 09/571,705. It is believed that this is the first time these references become known to Applicants and those individuals designated in §1.56(c)

It is respectfully requested that this IDS be considered at this time. In accordance with 37 CFR 1.97(d), while a Notice of Allowance has issued in this application, the issue fee has not yet

been paid. Upon information and belief, no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the IDS was known to any individual designated in §1.56(c) more than three months prior to the filing of this IDS.

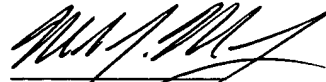
No inference should be drawn that the attached list sets forth a comprehensive investigation of the prior art, that any or all are pertinent to the invention, or that any apparatus disclosed is equivalent to the subject invention.

The citation of the above-discussed documents is not to be construed as an assertion that more pertinent art could not possibly be in existence. Citation of any document herein is not to be construed as an admission that any subject matter disclosed in the document is necessarily within the inventive field of endeavor, that any disclosure is necessarily prior in time to a particular date which may be relevant to the instant patent application, and/or that any disclosure is otherwise necessarily prior art with respect to the instant invention.

Applicant also respectfully reserves the right to later set forth how the instant invention is distinguished over the disclosure of any document or other art, including the disclosure of those documents discussed herein, that may be cited by the Examiner in rejecting a claim in the instant patent application.

Please charge our Deposit Account No. 50/1039 for the fee required for this IDS.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark J. Murphy', written over a horizontal line.

Mark J. Murphy

Registration No.: 34,225

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addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 29 2005

PTO/SB/08a (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known

Application Number	09/130,213
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Filing Date	August 6, 1998
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First Named Inventor	H. Craig Dees
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Art Unit	3738
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Examiner Name	Thomas C. Barrett
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Attorney Docket Number	PHO-102
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U. S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁵
		Country Code ³ "Number" ⁴ "Kind Code" ⁵ (if known)				

**Examiner
Signature**

Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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